

REMARKS

Applicant's representative thanks the Examiner for the courtesies extended during the telephone interview of March 22, 2005. Favorable reconsideration of the subject application is respectfully requested in view of the telephone interview and the comments made herein.

Claims 38-52 were rejected under 35 U.S.C. 103(a) as being unpatentable over Aebi et al. (U.S. Patent No. 5,530,763). Traversal of this rejection is made for at least the following reasons. Aebi et al. does not teach or suggest forming and joining at least a first part and a second part of a hearing device by multi component injection molding, as recited in independent claim 38. As noted by the Examiner, the hearing aid structure of Aebi et al. includes three parts: a diaphragm; a skeleton; and filler material. However, none of these three components can be formed and joined via multi component injection molding. As discussed in the article entitled "Multi Component Injection Molding: Rigid/Rigid and Rigid/Flexible Combinations", a copy of which was enclosed with the previous Amendment dated August 16, 2004, multi component injection molding is known by one skilled in the art to mean two or more materials being injected into a single mold. In particular, separate injection units are employed an injection molding machine to inject at least two different thermoplasts sequentially into a mold through separate runner systems. In other words, in a two-component part, a first part is formed with material flowing through a first runner system into a mold; a portion of the mold is removed to form the cavity for a second part; and the second part is formed by a second material flowing through a second runner system, thereby joining the first and second parts together. The two-component part is not removed from the injection molding machine until after the first and second parts have been formed and joined together.

In contrast to the claimed invention, each of the hearing aid components are formed and joined separately in Aebi et al. Specifically, only the skeleton of Aebi et al. can be formed via injection molding. The diaphragm is a bag-like element formed with a foamed and stretched PTFE material, which cannot be formed via injection molding. (See Col. 3, lines 26-41). Further Aebi et al. expressly discloses that the diaphragm is joined to the skeleton "by welding, bonding, or suitable securing members" (Col. 4, lines 43-45). Accordingly, the diaphragm and the skeleton cannot be formed and joined via multi component injection molding.

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With respect to the filler material disclosed in Aebi et al., to find that it would have been obvious to form and join the diaphragm or skeleton with the filler material by multi component injection molding would be to completely ignore the teachings of Aebi et al. Aebi et al. is directed to manufacturing a hearing device that can be easily individualized. In particular, Aebi et al. discloses placing the diaphragm and skeleton assembly in an auditory canal prior to adding the filler material to the device so that the filler material can harden in a form individualized to the auditory canal. Although, Aebi et al. discloses that the filler material can be manufactured from a two-component molding compound, this compound is not equivalent to the claimed multi component injection molding. The two-component molding compound addressed in Aebi et al. refers to a compound material made from two separate materials, such that a chemical reaction occurs when the two materials are mixed so as to initiate hardening. In contrast, multi component injection molding refers to a manufacturing process where two or more separate materials are injection molded within one mold to produce an object having sections of differing material composition. Thus, these terms are entirely unrelated.

Because Aebi et al. does not teach or suggest forming and joining at least two parts of a hearing device via multi-component injection molding, Aebi et al. cannot render obvious claim 38 or claims 39-52, which depend therefrom. Withdrawal of this rejection is respectfully requested.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 32955.

Respectfully submitted,



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